

**MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS**

February 5, 1998

The Fauquier County Board of Zoning Appeals held its regularly scheduled meeting on Thursday, February 5, 1998, at 2:00 P.M. in the Warren Green Building located at 10 Hotel Street, Warrenton, Virginia. Members present were Mr. William Rider, Chairman; Mrs. Barbara Wilson, Secretary; Mrs. Peg Mailler, Mr. William Barr, and Dr. James Branscome and Mr. Leon Williams. Mr. Eugene Lofdahl was absent. Also present were Mrs. Carolyn G. Bowen, Zoning Administrator; Mr. Paul McCulla, County Attorney; Mr. Don Margraf, Assistant Zoning Administrator and Mrs. Beverly Pullen, Zoning Office Technician.

The minutes of the December 4, 1997 and the January 8, 1998 meetings were approved as submitted.

LETTERS OF NOTIFICATIONS

PUBLIC NOTICE Mrs. Bowen stated that to the best of her knowledge, the cases before the BZA for a public hearing had been advertised, posted, and letters of notification sent to adjoining property owners.

SPECIAL PERMIT #42241

William T. Jackson, Jr. and Martha S. Jackson (Owners)

Ted Vicidomini (Applicant/Tenant)

Mr. Ted Vicidomini, applicant/tenant was present to support his request for special permit approval for a fast food eating establishment in an existing building in a Commercial 1 (C-1) zoning district on property located at 4221 Frost Avenue in Marshall. PIN #6969-58-9357-000 in the Marshall District.

Mr. Margraf read the staff report. He stated that the applicant wishes special permit approval to operate a fast food eating establishment with no on-site seating. In addition to the proposed deli, the existing building contains part of Tri-County Feeds, Inc. and Clyde R. Simpson Heating and Air-Conditioning. The previous tenant operated a barber shop that ceased operation in the summer of 1997. He also stated that Virginia Department of Transportation and Fauquier County Health Department do not object to approval of this special permit. Mr. Margraf stated that parking is the main concern.

Mr. Vicidomini spoke in favor of his request stating that he is requesting this special permit so that he may open his business, consisting of 70% delivery orders and 30% carry out. There will not be any on-site seating.

Mr. Rider informed Mr. Vicidomini that according to the Zoning Ordinance Section 7-104.6 Minimum Required Spaces for Commercial and Related Uses, he will be required to have a minimum of ten (10) parking spaces available for use. He asked Mr. Vicidomini if he has written permission to use any of the parking spaces belonging to the other tenants of this building. Mr. Vicidomini stated that he does not have permission to use these spaces, but thinks he can negotiate for additional parking to meet the requirements of the Zoning Ordinance. The parking will need to be designated on the site-plan.

On the motion made by Mrs. Wilson, and seconded by Mrs. Mailler it was moved to grant special permit #42241, after due notice and hearing as required by Code of Virginia Section 15.2-2204 and Section 5-009 of the Fauquier County Code, based on the Board's findings:

1. The proposed use will not adversely affect the use or development of neighboring properties.
2. It is in accordance with the applicable zoning district regulations and the applicable provisions of the adopted Comprehensive Plan, and conforms to the general standards set forth in Section 5-006 (1) through (9) of the Zoning Ordinance of Fauquier County, which sections are incorporated in this motion as if fully set forth.
3. The use will be compatible with the neighborhood in which it is to be located.
4. The special permit is granted subject to the following conditions, safeguards, and restrictions upon the proposed uses as are deemed necessary in the public interest to secure compliance with the provisions of this Ordinance: (Conditions including, but not limited to, those recited in Section 5-007 A-L of the Zoning Ordinance):
 1. The hours of operation for the business will be Monday-Saturday.
 2. Two (2) full-time employees permitted.
 3. 70% of the business will be deliveries, 30% of the business will be over-the-counter service.
 4. No on-site seating.
 5. Deliveries by automobile only.
 6. Sign permit approval as required.
 7. Site plan approval as required.
 8. Parking requirements as required by Sections 7-102.3, 7-102.4 and 7-104.6.

The motion carried unanimously.

ADJOURNMENT There being no further business before the Board, the meeting was recessed at 2:35 P.M.

William Rider, Chairman

Barbara Wilson, Secretary

Copies of all files and materials presented to the Board are attached to and become a part of these minutes. A tape recording of the meeting is on file for one year.